REMARKS

Applicants wish to thank the Examiner for the attention accorded to the instant application, and respectfully requests reconsideration of the application.

Formal Matters

Claims 1 and 4-12 are the claims currently pending in the Application.

Applicants appreciate that the objection to the abstract has been withdrawn.

Rejection of Claims Under 35 U.S.C. §103

Claims 1 and 4-12 are rejected under 35 U.S.C. § 103(a) as unpatentable over Nojima, U.S. Patent 6,442,538 (hereinafter "Nojima"), in further view of Bolle, et al., U.S. Patent 6,892,193 (hereinafter "Bolle") and Squilla, et al., U.S. Patent 6,810,149 (hereinafter "Squilla"). This rejection should be withdrawn based on the comments and remarks herein.

The present invention relates to a system having an inventive feature for registering a multimedia object into a database. Specifically, when a multimedia object input from an input section is registered to an object database, data including the multimedia object itself, feature values of the multimedia object, and a category determined by the category setting section based on the feature values, are registered. The feature values of the system are obtained by performing a calculation with the feature value calculation section of the system. Further, the system automatically determines a recommended category for the multimedia object by performing a calculation, and displays this recommended category to the user so that the category can be easily registered.

The Examiner states that neither Nojima nor Bolle explicitly disclose a category setting section configured to set a recommended category, which is based on the feature value calculated by the feature value calculation section, on a database storing the multimedia object, the recommended category is provided to a user as an initial value of a registration category for allowing the user to determine the registration category of the multimedia object to be registered, as recited in independent claim 1. However, the Examiner contends that Squilla discloses or suggests this feature. Applicants disagree.

In the present application, Squilla is recognized as prior art (page 3, lines 1-8). Squilla discloses that the "downloaded icons are automatically assigned to the proper selection category" (column 5, lines 22-24, underline added) and further discloses that the user can modify the selection categories at any time (column 6, lines 57-59, underline added). An object of the present invention is to improve such a technique as disclosed in Squilla, by lightening the burden placed on selection of a category, i.e. to enable a category to be easily selected. To achieve this, independent claims 1, 11 and 12 recite a novel feature in which the system provides to the user an initial recommended category that is determined based on a calculated feature value of an image to be registered.

The category selection disclosed in Squilla is not determined in accordance with an input image but instead is assigned automatically. To be more specific, in Squilla, the category selection is registered in the system in advance, or added by the user. As an exception to the category selection, Squilla discloses that in the "When" category, the date when the user is using the program or the date of capture of the image is displayed by default. Such a date is not determined from a feature value calculated from an image to be registered, as is recited in claim 1 of the present application.

In such a manner, the independent claims recite paying attention to a feature value of an image to be registered by reciting a unique technique in which a recommended category is determined and displayed based on a calculated feature value of an image to be registered. Such a technique is not disclosed or even suggested in Squilla.

It has been held that "[t]o prevent the use of hindsight based on the invention to defeat patentability of the invention … the examiner must show reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references for combination in the manner claimed." *In re Rouffet*, 149 F.3d 1350, 1357 (Fed. Cir. 1998).

In the present application, an inventive solution to at least the problem of user difficulty in determining and selecting a selection category for an image is disclosed and claimed. The solution includes calculating feature values and recommending a selection category based on these feature values so that the invention assists in registering multimedia objects including three-dimensional data representing a shape of an object (page 1, lines 16-17). A skilled artisan presented with this problem might first look to Nojima and to Bolle for a possible solution. However, while Nojima discloses "a video information retrieval method … to register video files in a database" (column 2, lines 29-37), and Bolle discloses "an improved system and method for categorizing multimedia items while handling both textual and visual features coherently" (column 11, lines 44-46), the Examiner states that both Nojima and Bolle fail to teach a category setting section configured to set a recommended category, which is based on the feature value calculated by the feature value calculation section, on a database storing the multimedia object, the recommended category is provided to a user as an initial value of a registration

category for allowing the user to determine the registration category of the multimedia object to be registered. With the teaching of Nojima and Bolle, the skilled artisan would NOT look to Squilla for a solution to the problem of the present invention because Squilla discloses "an efficient method and system for organizing digital images (column 1, lines 34-35, underline added). A skilled artisan would not look to a system for organizing digital images to solve the problem of the present invention which is to simplify determining and selecting a selection category for a multimedia object by calculating feature values.

The Federal Circuit has stated that the PTO must explain all material facts relating to a motivation to combine, and that "assumptions about common sense cannot *substitute* for evidence thereof". *DyStar Textilfarben GmbH & Co. Deutschland KG v. C.H. Patrick Co.*, 464 F.3d 1356, 1366-7 (Fed. Cir. 2006) (emphasis in original). As discussed above, the Examiner's assumption that one of ordinary skill in the art at the time the invention was made would have incorporated Squilla's teachings in the teachings of Nojiva and Bolle is not supported with evidence because, *inter alia*, combining Nojima and Bolle with Squilla to solve the problem of applicant's invention is inapposite. Thus the Examiner has not established a prima facie case of obviousness.

Therefore, Applicant respectfully submits that independent claims 1, 11 and 12 are patentably distinguished over any art of record in the application, and requests that these claims be allowed. Claims 4-10 depend from claim 1, incorporating all of the features and limitations of the base claim. Thus claims 4-10 are patentably distinguished over any art of record in the application for at least the reasons that independent claim 1

is patentably distinguished over any art of record in the application. Applicant respectfully requests that this rejection be withdrawn.

Conclusion

For at least the reasons set forth in the foregoing discussion, Applicant believes that the Application is now allowable and respectfully requests that the Examiner reconsider the rejections and allow the Application. Should the Examiner have any questions regarding this Response, or regarding the Application generally, the Examiner is invited to telephone the undersigned attorney.

Respectfully submitted,

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